

February 26, 1976

CLERK: Read title to LB 812. There are Committee amendments from Senator Syas' Constitutional Revision Committee.

PRESIDENT: Senator Burbach.

SENATOR SYAS: I move the amendments be adopted. Senator Burbach came into the Committee and.... The amendments,... and he can explain them further, one of them was the selling of Niobrara State Park which is being inundated by reason of the rising of ... depositing of silt by the Niobrara River. We're going to have to sell the existing park and get another one. He wants the money to go into a specific fund so that they can buy ... use that money from the sale of the old park to put it on the purchasing of the new park. He can go into it further, but that's basically what the amendment does. I move for the adoption of the amendment.

SENATOR BURBACH: Mr. President, members of the Legislature. Let me add just a few words to Senator Syas' Committee amendments. They were amendments that I brought to the Committee. I offered them and the Committee adopted them. They bring up the legal description of the land. If you will look you will see where it says "strike line 12 and insert ... have "(below, between and downstream)" in parenthesis. This just clears up the title and it is more explicit It follows the legal description of the land.

I renew the motion to adopt the Committee amendments.

PRESIDENT: Any further discussion? The question is the adoption of the Committee amendments. Record your vote. Please vote. Record.

CLERK: 26 ayes, 0 nays on motion to adopt.

PRESIDENT: They are adopted. Senator Burbach.

SENATOR BURBACH: Mr. President, members of the Legislature. I move that LB 812 be advanced to E & R for initial.

The reason for this bill is ... I take it that everyone here knows that under certain conditions, without eminent domain, the Parks and Game Commission can purchase land. They do not have the authority to sell land that they already have.

Now then because, as Senator Syas indicated a moment ago, inundation of the terrain in that community, the water level has risen too high. It is not suitable for a park any longer. It needs to be moved to some other area. Now then, of course, at the moment there is The Corps of Engineers are asked to take over this land, and the Park Commission sell it to the Corps of Engineers. The problem arose because of the building of Gavins Point Dam, then the siltation of the Niobrara River. So the federal government has, and the Corps of Engineers is working with the entire town of Niobrara to move that town to higher ground. There are probably 50 to 75 homes that are currently being built at Niobrara. This is only a request to sell this land and place it in a special fund so it can be used again for the purchase of a park in that community.